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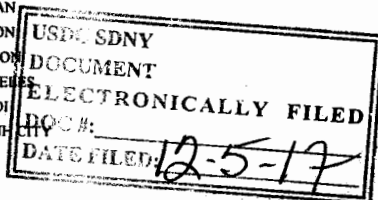
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December 1, 2017

MEMO ENDORSED

VIA ECF AND BY HAND

The Honorable Lewis A. Kaplan, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: **Dr. Robert Haar, M.D. v. Nationwide Mut. Fire Ins. Co., et al.**
U.S.D.C., S.D.N.Y., No. 1:17-CV-5425 (LAK)

Dear Judge Kaplan:

This firm represents Defendant Nationwide Mutual Fire Insurance Company ("Nationwide") in the above-referenced action. In accordance with the Court's Individual Rules of Practice, we respectfully submit this letter motion requesting a conference with the Court. The purpose of the conference is to discuss Nationwide's request that the Court clarify certain references to the parties its November 30, 2017 Memo Endorsement. (ECF Doc. No. 18.)

Specifically, on November 30, 2017, the Court issued its Memo Endorsement granting in part Nationwide's motion to dismiss the Complaint with respect to the first cause of action; and providing notice of the conversion of Nationwide's motion to one for summary judgment as to the second cause of action for defamation. In that connection, the Court ordered as follows:

Defendant is hereby notified that the Court will consider the investigator's declaration and the redacted OPMC complaint form for the truth of the matters asserted in deciding the motion in deciding the timeliness of the second cause of action and will convert the motion to dismiss the second cause of action on statute of limitations grounds into one for summary judgment to that extent. **Defendant** shall file any response no later than December 13, 2017.

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The Honorable Lewis A. Kaplan, U.S.D.J.
December 1, 2017
Page 2

Further, if **defendant** has no good faith basis for adhering to his allegation that the OPMC complaint was made in or about July 2016, he would be well advised to withdraw that assertion. *See* Fed. R. Civ. P. 11(b).

(Memo Endorsement at 3; emphases added.)

Based on the context of the above passage, it appears that the Court intended that the emphasized references should have been to "Plaintiff" as opposed to "Defendant." Accordingly, we respectfully request that the Court exercise its discretion to schedule a conference to clarify whether it intended to notify Plaintiff of its obligation upon conversion of Nationwide's motion.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

Andrew T. Hahn, Sr.
Andrew T. Hahn, Sr.

ATH

cc: Gregory Zimmer, Esq. (By ECF)
Ralph Carter, Esq. (By ECF)

The memo endorsement
is modified to strike the
bold faced word (as above)
"defendant" and substitute
the word "plaintiff."
No conference is
needed so the motion
for a conference is
denied.

LEWIS A. KAPLAN, U.S.D.J.
12/5/17